



Republic of the Philippines
 Department of Labor and Employment
 National Wages and Productivity Commission
REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARD
MIMAROPA REGION



2F Luna Building III, Gov. Infantado St., Calapan City, Oriental Mindoro

WAGE ORDER NO. RB-MIMAROPA-DW-02

**PRESCRIBING NEW MINIMUM WAGE RATES
 FOR DOMESTIC WORKERS IN MIMAROPA REGION**

WHEREAS, Section 24 of Republic Act No. 10361, otherwise known as the *Domestic Workers Act of 2013 or Batas Kasambahay Law*, mandates the Regional Tripartite Wages and Productivity Boards to review, and if proper, determine and adjust the minimum wage rates of domestic workers one (1) year from effectivity of the law and periodically thereafter;

WHEREAS, the prevailing Wage Order No. RB-MIMAROPA-DW-01 is in existence for more than one (1) year since its effectivity on 07 July 2017;

WHEREAS, the Members of the Regional Tripartite Wages and Productivity Board (Board for brevity) MIMAROPA, agreed to initiate *motu proprio* a review of the current minimum wage rate of domestic workers in the region considering the prevailing socio-economic conditions vis-à-vis the comparative minimum wage level of domestic workers in MIMAROPA and other regions;

WHEREAS, after due notice to concerned sectors, the Board conducted a public consultation and a public hearing on 23 May 2019 and 13 June 2019 in Calapan City, Oriental Mindoro and Puerto Princesa City, Palawan, respectively, to determine whether or not there is a need to adjust the minimum wage of domestic workers;

WHEREAS, after a thorough evaluation of the results of the public consultation and public hearing, the existing socio-economic conditions in the region and the comparative minimum wage level of domestic workers in MIMAROPA and other regions, the Board deemed it necessary to provide domestic workers with immediate relief measure to enable them to cope with the rising cost of living;

NOW THEREFORE, by virtue of the power and authority vested under Republic Act No. 6727 and Republic Act 10361, the Board hereby issues this Wage Order:

Section 1. NEW MINIMUM WAGE RATE. Upon the effectivity of this Wage Order, the monthly minimum wage rate for domestic workers in the Region shall be adjusted as follows:

Area	MINIMUM WAGE RATES		
	Previous Wage Order (MIMAROPA-DW-01)	Amount of increase	New Wage Order (MIMAROPA-DW-02)
MIMAROPA Region	P 2,500.00	P 1,000.00	P 3,500.00

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Section 2. COVERAGE. This Wage Order shall apply to all domestic workers whether on a live-in or live-out arrangement, such as but not limited to:

- a) General househelp;
- b) Yaya;
- c) Cook;
- d) Gardener;
- e) Laundry person; or
- f) Any person who regularly performs domestic work in one household on an occupational basis;

The following are not covered:

- a) Service providers;
- b) Family drivers;
- c) Children under foster family arrangement; and
- e) Any other person who performs work occasionally or sporadically and not on an occupational basis.

Section 3. PAYMENT OF WAGES. The wages of the domestic workers shall be paid in cash at least once a month. No deductions from the wages of the domestic workers shall be made other than those mandated by law.

Section 4. APPLICATION TO PRIVATE EMPLOYMENT AGENCIES (PEAs). In the case of hiring/contracting of domestic workers' services through a licensed PEA, the wage rates prescribed in this Wage Order shall be borne by the principal or client of the PEA and the contract shall be deemed amended accordingly. In the event, however, that the principal or client fails to pay the prescribed wage rates, the PEA shall be jointly and severally liable with his/her principal or client.

Section 5. NON-APPLICABILITY OF EXEMPTION. This Wage Order does not allow exemption.

Section 6. BASIC NECESSITIES. The employer shall provide for the basic necessities of the domestic worker to include at least three (3) adequate meals a day and humane sleeping arrangements that ensure safety and privacy.

The employer shall also provide appropriate rest and assistance to the domestic worker in case of illness and injuries sustained during service without loss of benefits.

For Kasambahay under live-out arrangement, he/she shall be provided space for rest and access to toilet.

At no instance shall the employer withdraw or hold in abeyance the provision of these basic necessities as punishment or disciplinary action to the domestic worker.

Section 7. COMPETENCY-BASED PAY. Household employers and their domestic workers may voluntarily and mutually agree to adopt a competency-based pay scheme in setting and adjusting the pay of domestic workers over and above the applicable minimum wage rate.

Section 8. EMPLOYER'S REPORTORIAL DUTY. Every employer shall register the Kasambahay under his/her employment in the barangay where his/her residence is located.

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Section 9. NON-DIMINUTION OF BENEFITS. Nothing in this Wage Order shall be construed to cause the diminution or substitution of any existing wage rates, allowances, benefits and privileges of any form currently enjoyed by the domestic worker by practice and/or under existing laws, decrees, issuances, executive orders and/or under any contract or agreement between the domestic workers and employers.

Section 10. UNLAWFUL ACTS AND PENALTIES. Withholding and interference in the disposal of wages of the domestic workers are declared unlawful and shall be punishable with a fine of not less than Ten Thousand Pesos (P10,000.00) but not more than Forty Thousand Pesos (P40,000.00), without prejudice to the filing of the appropriate civil and/or criminal action by the aggrieved party pursuant to *Rule XII, Sections 1 and 2 of Implementing Rules and Regulations of Republic Act No. 10361.*

Section 11. APPEAL TO THE COMMISSION. Any party aggrieved by this Wage Order may file an appeal to the National Wages and Productivity Commission (NWPC) through the Board, in three (3) printed copies, not later than ten (10) days from the publication of this Wage Order, subject to the compliance with *Sections 11 and 12 of NWPC Guidelines No. 01, Series of 2014.*

Section 12. COMPLAINTS FOR NON-COMPLIANCE. Complaints for non-compliance with the Wage Order shall be filed before the Department of Labor and Employment (DOLE) Field / Provincial / Regional Office - MIMAROPA and shall subject to the thirty (30) day mandatory conciliation and mediation proceeding under the DOLE Single Entry Approach (SEnA) program to exhaust all efforts for settlement. The DOLE Regional Director shall issue a compliance order within ten (10) days from the submission of the case for resolution.

Section 13. PROHIBITION AGAINST INJUNCTION. No preliminary or permanent injunction or temporary restraining order may be issued by any court, tribunal or other entity against any proceedings before the Board.

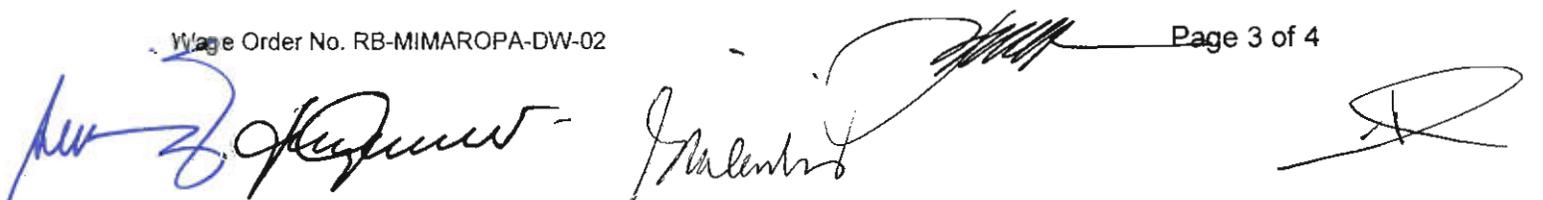
Section 14. FREEDOM TO BARGAIN. This Wage Order shall not be construed to prevent domestic workers from bargaining for higher wages with their respective employers.

Section 15. REPEALING CLAUSE. All orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Wage Order are hereby repealed, amended or modified accordingly.

Section 16. SEPARABILITY CLAUSE. If any provision or part of this Wage Order is declared unconstitutional, or in conflict with existing laws, the other provisions or part thereof shall remain valid.

Section 17. IMPLEMENTING RULES. The Regional Tripartite Wages and Productivity Board-MIMAROPA shall submit to the Commission the necessary rules and regulations to implement this Wage Order subject to approval of the Secretary of Labor and Employment not later than ten (10) days from the publication of the Wage Order.

Section 18. EFFECTIVITY. This Wage Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.



APPROVED this 3rd day of July 2019 in the City of Manila for Calapan City,
Oriental Mindoro, Philippines.



ROMEO R. ARICA
Board Member



JOEL C. DE VEYRA
Board Member



DARIUS M. GUERRERO
Board Member



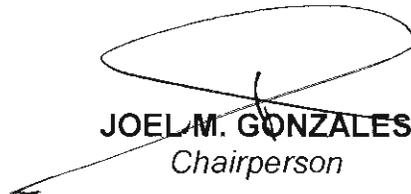
TERESITA A. TOLENTINO
Board Member



SUSAN A. SUMBELING
Vice-Chairperson



JOEL B. VALERA
Vice-Chairperson



JOEL M. GONZALES
Chairperson



RULES AND REGULATIONS IMPLEMENTING WAGE ORDER NO. RB-MIMAROPA-DW-02

Pursuant to Section 7 and Section 19 of the NWPC Guidelines No. 01, series of 2014, otherwise known as the Rules of Procedure on Minimum Wage Fixing for Domestic Workers, and Section 16 of Wage Order No. RB-MIMAROPA-DW-02, the following Rules are hereby issued for the guidance and compliance by all concerned in the MIMAROPA Region:

RULE I GENERAL PROVISIONS

Section 1. **TITLE.** This shall be known as the Rules and Regulations Implementing Wage Order No. RB-MIMAROPA-DW-02.

Section 2. **DEFINITION OF TERMS.** As used in this Rules.

- a) **Order** refers to Wage Order No. RB-MIMAROPA-DW-02;
- b) **Department** refers to the Department of Labor and Employment;
- c) **Commission** refers to the National Wages and Productivity Commission;
- d) **Board** refers to the Regional Tripartite Wages and Productivity Board of the MIMAROPA Region;
- e) **Regional Office** refers to the regional office of the Department of Labor and Employment MIMAROPA Region;
- f) **MIMAROPA Region** covers the Provinces of Occidental Mindoro, Oriental Mindoro, Marinduque, Romblon, and Palawan, including the City of Calapan and the Highly Urbanized City of Puerto Princesa;
- g) **TESDA** refers to the Technical Education and Skills Development Authority;
- h) **Republic Act 10361** refers to the law enacted by Congress known as an "Act Instituting Policies for the Protection and Welfare of Domestic Workers", commonly known as Batas Kasambahay;

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- i) **NWPC Guidelines 01-14** refers to the rules of procedure on minimum wage for domestic workers;
- j) **Domestic Work** refers to work performed in/or for a household;
- k) **Domestic Worker or Kasambahay** refers to any person engaged in domestic work within an employment relationship, whether on a live-in or live-out arrangement, such as, but not limited to general househelp, "yaya", cook, gardener, or laundry person, but shall exclude service providers, family drivers, children who are under foster family arrangement, or any person who performs domestic work only occasionally or sporadically and not on an occupational basis;
- l) **Employer** refers to any person who engages and controls the services of a Kasambahay and is party to the employment contract;
- m) **Household** refers to the immediate members of the family or the occupants of the house who are directly and regularly provided services by the Kasambahay;
- n) **Basic Necessities** is defined to include at least three (3) adequate meals a day and humane sleeping arrangements that ensure safety and privacy. The employer shall also provide appropriate rest and assistance to the domestic worker in case of illness and injuries sustained during service without loss of benefits.

For Kasambahay under live-out arrangement, he/she shall be provided space for rest and access to toilet.

At no instance shall the employer withdraw or hold in abeyance the provision of these basic necessities as punishment or disciplinary action to the domestic worker.

- o) **Live-out arrangement** refers to an arrangement whereby the Kasambahay works within the employer's household but does not reside therein;
- p) **Working Children** refers to Kasambahay who are fifteen (15) years old and above but below eighteen (18) years old;
- q) **Children under foster family arrangement** refers to the children who are living with a family or household of relative/s and are provided access to education and given an allowance incidental to education, i.e. "baon", transportation, school projects, and school activities; provided that, the foster family and foster care arrangements are in compliance with the procedures and requirements as prescribed by Republic Act No. 10165 or Foster Care Act of 2012;
- r) **Service Provider** refers to any person or entity that carries an independent business and undertakes to perform job, work or service on his/her own for a household, according to his/her own manager and method, and free from the control and direction of the employer in all matters in connection with the performance of the work except as to the results thereof;

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- s) **Single Entry Approach (SEnA)** refers to an administrative approach to provide a speedy, impartial, inexpensive and accessible settlement procedure of all labor issues for conflicts to prevent them from ripening into full blown disputes;
- t) **Private Employment Agency (PEA)** refers to any individual, partnership, corporation, or entity licensed by the Department of labor and employment (DOLE) to engage in the recruitment and placement of Kasambahay for local employment.
- u) **Competency- Based Pay Scheme** refers to a compensation system that regards domestic workers with additional pay a) by reason of the National Certification II program of the TESDA or b) by written mutual agreement.

**RULE II
NEW MINIMUM WAGE RATES**

Section 1. **NEW MINIMUM WAGE RATE.** Upon effectivity of this Wage Order, the monthly minimum wage rate for domestic workers in the Region shall be adjusted as follows:

Area	MINIMUM WAGE RATES		
	Previous Wage Order (MIMAROPA-DW-01)	Amount of increase	New Wage Order (MIMAROPA-DW-02)
MIMAROPA Region	P 2,500.00	P 1,000.00	P 3,500.00

Section 2. **COVERAGE OF THE WAGE ORDER.** This Wage Order shall apply to all domestic workers whether on a live-in or live-out arrangement, such as but not limited to:

- a) General househelp;
- b) Yaya;
- c) Cook;
- d) Gardener;
- e) Laundry person; or
- f) Any person who regularly performs domestic work in one household on an occupational basis.

The following are not covered:

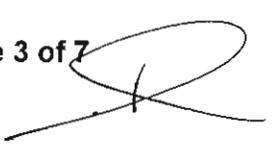
- a) Service providers;
- b) Family drivers;
- c) Children under foster family arrangement; and
- e) Any other person who performs work occasionally or sporadically and not on an occupational basis.

Section 3. **MODE AND FREQUENCY OF PAYMENT OF WAGES.** The wages of domestic workers shall be paid in cash. No payments by means of promissory notes, vouchers, coupons, tokens, tickets,








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chits, or any object other than cash shall be allowed. The wages of the domestic workers shall be paid in cash at least once a month.

Section 4. **APPLICATION TO PRIVATE EMPLOYMENT AGENCIES (PEAs).** In the case of hiring/contracting of domestic workers' services through a licensed PEA, the wages prescribed in this Wage Order shall be borne by the principal or client of the PEA and the contract shall be deemed amended accordingly. In the event, however, that the principal or client fails to pay the prescribed wage rates, the PEA shall be jointly and severally liable with his/her principal or client.

Section 5. **EXEMPTION FROM COMPLIANCE.** Filing of application for exemption with this Wage Order is not allowed.

RULE III OTHER BENEFITS AND PENALTIES

Section 1. **PROVISION OF BASIC NECESSITIES.** The Kasambahay shall be provided by the employer free basic necessities to include the following:

(a) At least three (3) adequate meals a day taking into consideration the Kasambahay's religious beliefs and cultural practices;

(b) Humane sleeping condition that respects the person's privacy for live-in arrangement; and

(c) Appropriate rest and medical assistance, including first-aid medicine, in case of illnesses and injuries sustained during service without loss of benefits.

For Kasambahay under live-out arrangement, he/she shall be provided space for rest and access to toilet.

At no instance shall the employer withdraw or hold in abeyance the provision of these basic necessities as punishment or disciplinary action to the Kasambahay.

Section 2. **DAILY REST PERIOD.** The Kasambahay shall be entitled to an aggregate daily rest period of eight (8) hours per day.

Section 3. **WEEKLY REST PERIOD.** The Kasambahay shall be entitled to at least twenty-four (24) consecutive hours of rest in a week. The employer and the Kasambahay shall agree in writing on the schedule of the weekly rest day but the preference of the Kasambahay, when based on religious grounds, shall be respected.

Nothing in this provision shall deprive the Kasambahay and the

employer from agreeing to the following:

- (a) Offsetting a day of absence with a particular rest day;
- (b) Waiving a particular rest day in return for an equivalent daily rate of pay;
- (c) Accumulating rest days not exceeding five (5) days; or
- (d) Other similar arrangements.

Section 4. **COMPETENCY-BASED PAY SCHEME.** Household employers and their domestic workers may voluntarily and mutually agree to adopt a compensation system that rewards domestic workers with additional pay in exchange for formal TESDA certification of the domestic workers' mastery of skills, knowledge, competencies or mutually written agreement.

Those who will adopt the Competency-Based Pay Scheme may refer to the NWPC Advisory on Competency-Based Wage for Domestic Workers issued on 24 February 2015.

Section 5. **FREEDOM TO BARGAIN.** The Order shall not be construed to prevent domestic workers from bargaining for higher wages with their respective employers.

Section 6. **UNLAWFUL ACTS AND PENALTIES.** Withholding and interference in the disposal of wages of the domestic workers are declared unlawful and shall be punishable with a fine of not less than Ten Thousand Pesos (P10,000.00) but not more than Forty Thousand Pesos (P40,000.00), without prejudice to the filing of the appropriate civil and/or criminal action by the aggrieved party pursuant to *Rule XII, Sections 1 and 2 of Implementing Rules and Regulations of Republic Act No. 10361.*

RULE IV REGISTRATION SYSTEM FOR KASAMBAHAY

Section 1. **EMPLOYER'S REPORTORIAL DUTIES.** Every employer shall register a Kasambahay under his/her employment in the barangay where his/her residence is located. The Punong Barangay shall be responsible for the Registry of Kasambahay within his/her jurisdiction.

Section 2. **DISCLOSURE OF INFORMATION.** The processing of personal information under this Rule shall be allowed, subject to compliance with the requirements of Republic Act No. 10173 (Data Privacy Act of 2012) and other laws allowing disclosure of information to the public and adherence to the principles of transparency, legitimate purpose and proportionality.

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**RULE V
SPECIAL PROVISIONS**

Section 1. **APPEAL TO THE COMMISSION.** Any party aggrieved by the Wage Order may file an appeal with the NWPC, through the Board, in three (3) legible copies, not later than ten (10) days from the publication of this Wage Order, subject to compliance with Sections 11 and 12 of the NWPC Guidelines No. 01, Series of 2014.

Section 2. **COMPLAINTS FOR NON-COMPLIANCE.** Complaints for non-compliance with the Wage Order shall be filed before the Department of Labor and Employment (DOLE) Field / Provincial / Regional Office - MIMAROPA and shall subject to the thirty (30) day mandatory conciliation and mediation proceeding under the DOLE Single Entry Approach (SEnA) program to exhaust all efforts for settlement.

The DOLE Regional Director shall issue a Compliance Order within ten (10) days from the submission of the case for resolution.

Section 3. **NON – DIMINUTION OF BENEFITS.** Nothing in this Wage Order shall be construed to cause the diminution or substitution of any existing wage rates, allowances, benefits and privileges of any form currently enjoyed by the domestic worker by practice and/or under existing laws, decrees, issuances, executive orders and/or under any contract or agreement between the domestic workers and employers.

Section 4. **PROHIBITION AGAINST INJUNCTION.** No preliminary or permanent injunction or temporary restraining order may be issued by any court, tribunal or other entity against any proceedings before the Board.

Section 5. **REPEALING CLAUSE.** All orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of the Wage Order and the Rules are hereby repealed, amended or modified.

Section 6. **SEPARABILITY CLAUSE.** If any provision or part of this Implementing Rules and Regulations is declared unconstitutional, or in conflict with existing laws, the other provisions or part thereof shall remain valid.

Section 7. **EFFECTIVITY.** These Rules shall take effect on _____, 2019.

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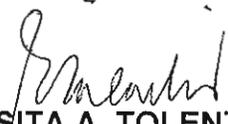
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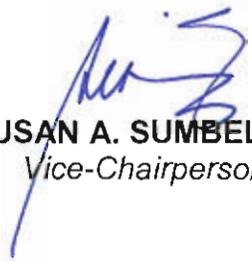
Done this 9th day of JULY, 2019 in the City of Manila for Calapan City, Oriental Mindoro, Philippines.


ROMEO R. ARICA
Board Member


JOEL C. DE VEYRA
Board Member


DARIUS M. GUERRERO
Board Member


TERESITA A. TOLENTINO
Board Member


SUSAN A. SUMBELING
Vice-Chairperson


JOEL B. VALERA
Vice-Chairperson


JOEL M. GONZALES
Chairperson

APPROVED this 23rd day of SEPTEMBER, 2019.


SILVESTRE H. BELLO III
Secretary
Department of Labor and Employment

Dept. of Labor & Employment
Office of the Secretary

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